

JURISDICTION:

SOUTH CAROLINA

General Reference:

This chapter summarizes South Carolina State statutes related to speed.
Code of Laws of South Carolina Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §56-5-1520(a) & (c)

Statutory Speed Limit:
See Other below.

70 MPH on the interstate highway system and other freeways¹ §§56-5-1510 & 56-5-1520(b)(1)
60 MPH on multilane divided primary highways §56-5-1520(b)(2)
55 MPH in other locations or on other sections of highways §56-5-1520(b)(3)
40 MPH on unpaved roads §56-5-1520(b)(3)
30 MPH in an urban district² §56-5-1520(c)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may increase or decrease the above speed limits on the State highway system including the extension of such system into an urban district.³ §§56-5-1520(e) & 56-5-1530
II. Except as noted in III, based on engineering and traffic investigations, local governments within their respective jurisdictions may increase or decrease the above speed limits.⁴ §§56-5-1520(e) & 56-5-1540(a)
III. Based on engineering and traffic investigations, a local government may establish a maximum speed limit of <30 MPH in an urban district.² However, this authority does not apply to highways within the State highway system. §56-5-1520(d)
IV. Based upon an investigation, the State Department of Transportation may establish a safe maximum speed limit for any bridge or elevated structure. §56-5-1570(d)
V. The governing boards of State institutions may establish speed limits on the streets, drives and alleys under their jurisdiction. §56-21-10(1)

Basis for a Speed Law Violation:
(continued)

Posted (Maximum) Speed Limit: (continued)

VI. The State Department of Mental Health may promulgate regulations "governing and controlling" the roads and streets within areas of the State Hospital and Midlands Center. §56-21-70 Such regulations could include the establishment of speed limits in these areas.

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede

¹**Historical Note:** In 1997, the South Carolina Legislature made a requested to the State Department of Transportation that the agency increase the speed limit on Interstate Highway 85 in Spartanburg County "between mile point 68.8 and mile point 77.4" to 65 MPH. Concurrent Resolution, H.B. 4073 adopted in 1997

²"Urban district" is defined to mean "the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more." §56-5-1520(b)(4)

³This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §56-5-1530(a)

⁴A speed limit cannot be established at >70 MPH. §56-5-1540(a)(2) In addition, outside of an urban district, a speed limit cannot be established at <35 MPH. §56-5-1540(a)(3) Note: The State Department of Transportation must approve any alteration of a speed limit on State highways or extensions thereof. §56-5-1540(d)

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the normal and reasonable movement of traffic. §56-5-1560(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §56-5-1810(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Department of Transportation or local governments on their respective streets and highways, may establish minimum speed limits. §56-5-1560(b)

Other:

I. A person may not operate a manufactured, modular or mobile home >55 MPH. §56-5-1520(b)(4)

II. A person may not operate a manufactured, modular or mobile home >10 MPH below the maximum speed limit when such limit is >45 MPH. §56-5-1520(b)(4)

III. A person may not operate a moped >25 MPH. §56-5-1555

IV. No person shall tow a house trailer >45 MPH. §56-5-1570(a)

V. No person shall drive a vehicle that is equipped with solid rubber or cushion tires >10 MPH. §56-5-1570(b)

VI. A person, who is moving or hauling a new mobile home on interstate highways, cannot travel at a speed >10 MPH below the posted speed limit. §57-3-175

VII. No person shall drive a public school bus >45 MPH on highways with posted speed limits ≤55 MPH. A special variance may be issued, which allows a person to drive such a bus >45 MPH on highways with posted speed limits >55 MPH. However, in no event, shall a person drive a public school bus >55 MPH. §59-67-515

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Except as Noted, Speed Law Violations are Misdemeanors.⁵ §§56-5-730, 56-5-1520(g), 56-5-1535(a), 56-5-6190 & 56-21-60

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

⁵Important. The law does not appear to make driving a public school bus in excess of the speed limitations established via §59-67-515 a criminal offense (e.g., a misdemeanor). In addition, there appears to be no licensing action associated with such a violation.

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Etc.):	<p>I. <u>Violating Statutory Maximum Speed Limits</u>⁶: 1st offense->25 MPH over the speed limit-Not more than 30 days §56-5-1520(g) <u>Subsequent offense-Not more than 30 days</u> §56-5-6190</p> <p>II. <u>Violating the Maximum Speed limit for Mopeds</u>: Not more than 30 days §56-5-1555</p> <p>III. <u>Violating Traffic Regulations on State Hospital & Midlands Center Grounds</u>: Not more than 15 days §56-21-100</p> <p>IV. <u>All Other Speed Law Related Violations</u>: Not more than 30 days⁷ §§56-5-6190 & 56-21-60</p>
Mandatory Minimum Term:	None
Fine:	
Amount (\$ Range):	<p>I. <u>Violating Statutory Maximum Speed Limits</u>⁶: 1st offense-\$15 to \$200⁸ §56-5-1520(g) <u>Subsequent offense-Not more than \$100</u> §56-5-6190</p> <p>II. <u>Violating Maximum Speed limit for Mopeds</u>: Not more than \$200 §56-5-1555</p> <p>III. <u>Violating Traffic Regulations on State Hospital & Midlands Center Grounds</u>: \$2 to \$50 (per the fine schedule published by the Department) §56-21-100</p> <p>IV. <u>All Other Speed Law Related Violations</u>: Not more than \$100⁷ §§56-5-6190 & 56-21-60</p>
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	An offender, who completes a defensive driving course, shall have 4 point deducted from their driving record. §56-1-770
Other:	

⁶This refers to a violation of the "statutory" speed limits established under §56-5-1520(b). However, these limits may be altered (i.e., increased or decreased) by State or local authorities. §§56-5-1520(e), 56-5-1530 & 56-5-1540.

⁷The provision, §57-3-175, that prohibits driving >10 MPH below the posted speed limit when moving (hauling) a new mobile home on interstate highways, does not provide for a sanction for its violation. In addition, Title 57 contains no general penalty provision that applies to violations of its provisions. Likewise, the Criminal Code, Title 16, does not appear to contain a general penalty provision that would apply to violations of State law where no other sanctions have been specified.

⁸The fines for 1st offense speed limit violations are as follows: Driving ≤10 MPH above the speed limit, a fine of **\$15 to \$25**; driving >10 MPH but <15 MPH above the speed limit, a fine of **\$25 to \$50**; driving >15 MPH but <25 MPH above the speed limit, a fine of **\$50 to \$75**; and, driving >25 MPH above the speed limit, a fine of **\$75 to \$200**. §56-5-1520(g) Note: The law is not clear but these sanctions for a 1st offense may also apply to violations of the altered posted speed limits.

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Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Term of License Withdrawal

(Days, Months, Years, etc.):

Mandatory Minimum Term of
Withdrawal:

Suspension via a Point System §§56-1-720, 56-1-740 & 56-1-750

3 to 6 months⁹ §56-1-740 (¶2)

Suspension periods under the Point System appear to be mandatory. §56-1-740 (¶2)

Miscellaneous Sanctions

Not Included Elsewhere:

Highway Work Zone. A person, who exceeds the specially posted speed limit in a highway work zone, is subject to a jail sentence of not more than **30 days** and/or a fine of not less than **\$75** nor more than **\$200**. §56-5-1535(a)

Other Criminal Actions Related to Speeding:

Racing on Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor §§56-5-730, 56-5-1590 & 56-5-6190 (¶1)

2 to 6 months §56-5-1620

None

\$200 to \$600 §56-5-1620

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Revocation §56-5-1620

1 year §56-5-1620

1 year §56-5-1620 This licensing action appears to be mandatory.

Other:

⁹**Point System.** I. An offender, who accumulates 12 to 15 points, is subject a 3 month suspension. If they accumulate 16 or 17 points, the suspension is 4 months. If they accumulate 18 or 19 points, the suspension is 5 months. And, if they accumulate 20 or more points, the suspension is 6 months. §56-1-740(a)(¶2) II. A person may obtain special restricted driving privileges to operate a motor vehicle to and from either a place where they are either employed or a college or university where they are enrolled provided they live more than 1 mile from the place of employment or educational facility. §56-1-740(b) III. Points are computed in the following manner. Points for offenses committed within the immediate 12 months from the present offense are counted at full value. However, points for offenses which have been committed more than 12 months but less than 24 months from the present offense from the immediate offense are reduced to half of their full value. Note: Points are not assigned for offenses committed more than 24 months from the present offense. §56-1-750 IV. The following points have been assigned for speeding and speed related violations: Reckless driving-6 points; ≤10 MPH above the posted speed limit-2 points; >10 MPH but <25 MPH above the posted speed limit-4 points; and, ≥25 MPH above the posted speed limit-6 points. §56-1-720 Note: The law does not appear to assign any points for either driving too slowly, for violating the posted minimum speed limit or for not driving in the right lane when not driving at the normal speed of traffic.

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving:</u>	Misdemeanor §§56-5-730, 56-5-2920 & 56-5-6190 (¶1)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 30 days §56-5-2920
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	\$25 to \$200 §56-5-2920
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<u>1st offense-Suspension</u> via the Point System ⁹ <u>Subsequent offense</u> (within 5 years)- Suspension §56-5-2920
Length of Term of License Withdrawal Action:	<u>1st offense-3 to 6 months</u> via the Point System ⁹ <u>Subsequent offense</u> (within 5 years)- 3 months §56-5-2920
Mandatory Term of License Withdrawal Action:	<u>1st offense</u> -Suspension periods under the Point System appear to be mandatory. §56-1-740 (¶2) <u>Subsequent offense</u> (within 5 years)- 3 months §56-5-2920
Other:	An offender, who completes a defensive driving course, shall have 4 point deducted from their driving record. §56-1-770

Commercial Motor Vehicle (CMV) Operators:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" within a 3 year period or (2) commit 3 such violations within a 3 year period. §56-1-2110(F)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §56-1-2110(F)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §56-1-2110(F)

¹⁰ A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §56-1-2030(4)

¹¹ A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §56-1-2030(22)

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